

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 ITC-01 COME-00 L-03 TRSE-00

/024 W

-----122241Z 075929 /66

R 121450Z MAY 77  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC 8208  
INFO USMISSION EC BRUSSELS  
USDA/FAS WASHDC

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 08223

E.O. 11652: N/A  
TAGS: EAGR, GW  
SUBJECT: IMPORT DUTY OF FRESH BLUEBERRIES AND  
CRANBERRIES

REF: A. BONN 05760 B. BONN 08066

BEGIN SUMMARY: ACCORDING TO FEDMINFINNCE OFFICIALS,  
THE PRESENT WORDING OF THE GERMAN AND EC TARIFF  
SCHEME DOES NOT PERMIT IMPORTATION OF U. S.-TYPE  
FRESH CULTIVATED CRANBERRIES UNDER TARIFF POSITION  
0808B AND CULTIVATED FRESH BLUEBERRIES UNDER 0808C,  
WHOSE RATES ARE RESPECTIVELY ZERO AND FOUR PERCENT.  
BOTH FRUITS MUST ENTER UNDER 0808F AT A 12 PERCENT  
AD VALOREM RATE. U. S. EMBASSY REQUESTED A CHANGE OF  
THIS WORDING TO ACCOMMODATE THE U. S. PRODUCTS UNDER  
THE LOWER RATE. GERMAN OFFICIALS STATED THAT THIS  
REQUIRES A DECISION IN BRUSSELS BUT AGREED TO INITIATE  
ACTION UPON FORMAL U. S. EMBASSY REQUEST. END  
SUMMARY.

1. ACCORDING TO THE PRESENT WORDING OF THE GERMAN AND  
EC OFFICIAL TARIFF SCHEME INTERPRETATION, ONLY FRESH  
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COWBERRIES OF THE SPECIES VACCINIUM VITIS IDAEA MAY BE  
IMPORTED DUTY FREE UNDER TARIFF POSITION 0808B.  
FURTHERMORE, ONLY FRESH BLUEBERRIES OF THE TYPE  
VACCINIUM MYRTILLUS MAY BE IMPORTED AT A RATE OF  
FOUR PERCENT UNDER TARIFF POSITION 0808C. ALL OTHER  
VACCINIUM-TYPE BERRIES, SPECIFICALLY VACCINIUM  
MACROCARPON (CRANBERRIES) AND VACCINIUM CORYMBOSUM

(U. S. Highbush blueberries) but also V. angustifolium, V. lamarkii and other low bush types are grouped under 0808F, "Other Berries", establishing an ad valorem rate of 12 percent for the U. S. and most other third countries. This situation has existed for some time but was not enforced because of lack of information regarding the exact botanical identity of the various Vaccinium types on the part of German customs field offices. Therefore, U. S. high-bush blueberries as well as fresh cranberries with only some exceptions reportedly were previously imported under 0808 C and B. This situation has changed and without an official revision of the existing tariff interpretation the higher rates will actually be charged during the 1977 import season by German authorities.

2. In May 6 meeting, embassy representative requested FEDMINFINANCE officials (Customs) take all necessary steps to ensure that fresh cranberries are made officially eligible for the duty free preference granted by the FRG to the U.S. and other suppliers during the 1960-61 GATT round. At the same time, we requested that imports of fresh cultivated blueberries be permitted at four percent duty. FEDMIN FINANCE official stated that this would require a change of the present wording of the official FRG and EC tariff schedule interpretations. This can only be accomplished by EC decision which at earliest would

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 ITC-01 COME-00 L-03 TRSE-00  
/024 W  
-----122239Z 075880 /66  
R 121450Z MAY 77

FM AMEMBASSY BONN  
TO SECSTATE WASHDC 8209  
INFO USMISSION EC BRUSSELS  
USDA/FAS WASHDC

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BECOME EFFECTIVE ON JAN. 1, 1978. A CONSENSUS WAS REACHED WITH FEDMINFINANCE OFFICIALS THAT: (A) EMBASSY WILL SEND A FORMAL LETTER TO FEDMINFINANCE REQUESTING APPROPRIATE ACTION BY THE FRG; AND (B) FEDMINFINANCE AFTER RECEIPT OF LETTER, WILL FORMALLY APPROACH THE EC COMMISSION ASAP, REQUESTING THE NECESSARY CHANGE OF THE OFFICIAL COMMON EC TARIFF SCHEDULE INTERPRETATION. (EMBASSY WILL PREPARE SUCH A REQUEST AND TRANSMIT THE DOCUMENT TO FEDMINFINANCE, TO WASHINGTON, AND USEC, ASAP, GERMAN OFFICIAL, HOWEVER URGED THAT THE U. S. GOVERNMENT ALSO APPROACH THE EC COMMISSION DIRECTLY, REQUESTING THE NECESSARY ACTION.

3. EMBASSY REPRESENTATIVE ALSO URGED GERMAN OFFICIALS TO TAKE ALL NECESSARY STEPS FOR AN INTERIM SOLUTION WHICH WOULD ENSURE THAT U. S. CRANBERRIES CAN BE IMPORTED AT ZERO RATE AND FRESH BLUEBERRIES AT THE REGULAR FOUR PERCENT AD VALOREM RATE DURING THE 1977 IMPORT SEASON, I.E., UNTIL AN AMENDED VERSION OF THE FRG AND EC TARIFF INTERPRETATIONS CAN BE

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OBTAINED AND TAKE EFFECT. FEDMINFINANCE OFFICIALS RELUCTANTLY AGREED TO CONSIDER ISSUING AN INTERNAL ORDER (ERLASS) INFORMING GERMAN CUSTOMS FIELD OFFICES OF THE INTENDED CHANGE OF THE OFFICIAL CUSTOMS TARIFF INTERPRETATION AND DIRECTING THEM TO APPLY THE LOWER RATES DURING THE INTERIM PERIOD. THE ISSUING OF SUCH AN INTERNAL ORDER, HOWEVER, WILL BE CONDITIONED ON AGREEMENT IN BRUSSELS TO AMEND THE EC TARIFF INTERPRETATION.

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## Message Attributes

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**Channel Indicators:** n/a  
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**Disposition Approved on Date:**  
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**Disposition Date:** 22 May 2009  
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**To:** STATE  
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